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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,827	03/04/2004	Patrick Arachequesne	P24953	3641

26360 7590 03/30/2007
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106 S. MAIN STREET
AKRON, OH 44308

EXAMINER

CLEMENT, MICHELLE RENEE

ART UNIT	PAPER NUMBER
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3641

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/791,827

Applicant(s)

ARACHEQUESNE, PATRICK

Examiner

Michelle (Shelley) Clement

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 49-53 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Willis et al. (US Patent # 2,567,535). Willis et al. discloses a firearm (reference 14) comprising at least one barrel (reference 10) having a muzzle end and an opposite end and extending along a longitudinal direction, a sight device (reference 16) removably mounted on the firearm and removable mounting means for removably mounting the sight device to the firearm, the removable mounting means comprising a groove (references 56 & 60), formed on the firearm, extending along a groove direction from a proximal end to a distal end and open at the proximal end and a strip (reference 58), fixed to the sight device and having a shape so as to be received and guided in the groove along the groove direction, wherein the firearm comprises an abutment (reference 60) that is arranged and disposed such that when the strip is received in the groove and is submitted to a force along the longitudinal direction, the strip is blocked in the longitudinal direction towards the muzzle end but is free to move in a direction toward the opposite end. Wherein the groove is a dovetail groove and the strip has a dovetail shape (Figure

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2). Wherein the groove direction is essentially parallel to the longitudinal direction. Wherein the removable mounting means comprises an intermediary arc shaped plate extending from the strip and fixed to the sight device (reference 19). Wherein the barrel has an upper side and a lower side as defined in the vertical direction when the firearm is used to shoot in a horizontal direction and the intermediary arch shaped plate is structured so that it supports the sight device so that the sight device is on top of the barrel (Figure 1). Wherein the abutment is provided at the distal end of the groove (Figure 2).

4. Claims 49-51, 55, and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunlap et al. (US Patent # 3,992,783). Dunlap et al. discloses a firearm (reference 15) comprising at least one barrel having a muzzle end and an opposite end and extending along a longitudinal direction, a sight device (reference 13) removably mounted on the firearm and removable mounting means for removably mounting the sight device to the firearm, the removable mounting means comprising a groove (references 45 and 47), formed on the firearm, extending along a groove direction from a proximal end to a distal end and open at the proximal end and a strip (references 61 and 53), fixed to the sight device and having a shape so as to be received and guided in the groove along the groove direction (column 4, lines 10-20), wherein the firearm comprises an abutment (reference 21) that is arranged and disposed such that when the strip is received in the groove and is submitted to a force along the longitudinal direction, the strip is blocked in the longitudinal direction towards the muzzle end but is free to move in a direction toward the opposite end (column 4, lines 21-30). Wherein the groove is a dovetail groove (column 3, lines 5 and 6) and the strip has a matching shape i.e. dovetail shape. Wherein the groove direction is essentially parallel to the longitudinal direction (Figure 1). Wherein the

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abutment is provided at the distal end of the groove (Figure 2). Wherein the firearm has an upper side, a lower side and at least one lateral side, as defined in the vertical direction when the firearm is used to shoot in a horizontal direction, and the groove is provided on at least one lateral side of the rifle (Figure 1).

5. Claims 49, 50, 52-55 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams (US Patent # 4,008,536). Adams discloses a firearm (reference 100) comprising at least one barrel (reference 102) having a muzzle end and an opposite end and extending along a longitudinal direction, a sight device removably mounted on the firearm and removable mounting means for removably mounting the sight device to the firearm, the removably mounting means comprising a groove (the area surrounding and underneath the rib), formed on the firearm, extending along a groove direction from a proximal end to a distal end and open at the proximal end and a strip, fixed to the sight device and having a shape so as to be received and guided in the groove along the groove direction, wherein the firearm comprises an abutment (reference 105) that is arranged and disposed such that when the strip is received in the groove and is submitted to a force along the longitudinal direction, the strip is blocked in the longitudinal direction towards the muzzle end but is free to move in a direction toward the opposite end (column 5, lines 45-50). Wherein the groove direction is essentially parallel to the longitudinal direction. Wherein the removable mounting means comprises an intermediary arc shaped plate extending from the strip and fixed to the sight device. Wherein the barrel has an upper side and a lower side as defined in the vertical direction when the firearm is used to shoot in a horizontal direction and the intermediary arch shaped plate is structured so that it supports the sight device so that the sight device is on top of the barrel. Wherein the barrel comprises a

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longitudinal rib (reference 101) on top of the barrel and the mounting means are structured so that an end part of the intermediary plate comes flush with the rib and the sight device being fixated to the end part. Wherein the abutment is provided at the distal end of the groove. Wherein the groove is provided near or at the muzzle end.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willis et al. as applied to claim 49 above, and further in view of DePaoli (US Patent # 5,373,644).

Although Willis et al. does not expressly disclose the firearm wherein the sight device is a holographic/red dot sight device, DePaoli does. DePaoli teaches a sighting instrument for firearms that is a reflex luminous dot device (i.e. red dot holographic sight). Willis et al. and DePaoli are analogous art because they are from the same field of endeavor: firearm-sighting instruments. Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the luminous dot sighting instrument as suggested by DePaoli with the firearm and mounting device as disclosed by Willis et al. The suggestion/motivation for doing so would have been to obtain a firearm that had a sighting device that could be utilized at twilight or other times when visibility was low as suggested by DePaoli.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

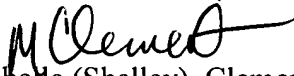
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Clement whose telephone number is 571.272.6884. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571.272.6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Michelle (Shelley) Clement
Primary Examiner
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